

FIRST REGULAR SESSION

# HOUSE BILL NO. 811

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CROSS (Sponsor), DAVIS, LAUER, HOUGHTON, REDMON, FITZWATER, CIERPIOT, GRISAMORE, MCCAHERTY, REIBOLDT, WHITE, HICKS, GATSCHENBERGER, PIKE, LYNCH, PHILLIPS, SOLON AND FRAKER (Co-sponsors).

2041L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 34.074, RSMo, and to enact in lieu thereof one new section relating to service-disabled veteran business contracts.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 34.074, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 34.074, to read as follows:

34.074. 1. As used in this section, the term "service-disabled veteran" means any individual who is disabled as certified by the appropriate federal agency responsible for the administration of veterans' affairs.

2. As used in this section, the term "service-disabled veteran business" means a business concern:

(1) Not less than fifty-one percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than fifty-one percent of the stock of which is owned by one or more service-disabled veterans; and

(2) The management and daily business operations of which are controlled by one or more service-disabled veterans.

3. In letting contracts for the performance of any job or service, all agencies, departments, institutions, and other entities of this state and of each political subdivision of this state shall give a three-point bonus preference to service-disabled veteran businesses doing business as Missouri firms, corporations, or individuals, or which maintain Missouri offices or places of business.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           4. In implementing the provisions of subsection 3 of this section, the following shall  
17 apply:

18           (1) The commissioner of administration shall [have the goal of three] **grant or award**  
19 **four** percent of all such contracts described in subsection 3 of this section to be let to such  
20 veterans;

21           (2) If no or an insufficient number of such veterans doing business in this state submit  
22 a bid or proposal for a contract let by an agency, department, institution, or other entity of the  
23 state or a political subdivision, such goal shall not be required and the provisions of subdivision  
24 (1) of this subsection shall not apply;

25           (3) The commissioner of administration may promulgate rules in order to implement the  
26 provisions of this section. Any rule or portion of a rule, as that term is defined in section  
27 536.010, that is created under the authority delegated in this section shall become effective only  
28 if it complies with and is subject to all of the provisions of chapter 536 and if applicable, section  
29 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
30 general assembly pursuant to chapter 536 to review, to delay the effective date, or disapprove and  
31 annul a rule subsequently held unconstitutional, then the grant of rulemaking authority and any  
32 rule proposed or adopted after August 28, 2010, shall be invalid and void.

33           **5. Subject to appropriations, funding in the amount of one hundred thousand**  
34 **dollars is to be provided by the office of administration to veteran organizations to promote**  
35 **service-disabled veteran businesses and contract procurement described in this section.**

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